

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 90-305-C - ORDER NO. 90-1141
NOVEMBER 29, 1990

IN RE: Proceeding to Consider Allowing Local and IntraLATA 0+ Collect Authority for COCOT Providers Serving Confinement Facilities) ORDER RULING ON) MOTIONS TO COMPEL) FIRST SET OF) INTERROGATORIES) OF PAY-TEL) COMMUNICATIONS,) INC., COIN) TELEPHONE, INC.,) AND INTELICALL) AND SOUTHERN BELL
---	---

This matter comes before the Public Service Commission of South Carolina (the Commission) by way of separate Motions to Compel filed on behalf of Pay-Tel Communications, Inc., Coin Telephone, Inc. and Intellicall (Applicants), as well as Southern Bell Telephone and Telegraph Company (Southern Bell) moving the Commission to compel answers to both parties' first set of interrogatories propounded by each party to the other.

As to the Motion to Compel filed by Applicants, Southern Bell responded by filing Opposition to Motion to Compel, wherein Southern Bell noted certain reasons why the information requested by the Applicants was either not available to Southern Bell or that Southern Bell is prohibited by law from disclosing the requested information.

Applicants sought responses to their Interrogatory Nos. 1-1 and 1-2 through 10. As to Interrogatory 1-1, Southern Bell amended its answer to indicate the number of COCOT lines installed at the Kershaw County Detention Center. The Commission is of the opinion that Southern Bell has responded to Interrogatory 1-1 as propounded upon Southern Bell.

As to Interrogatories 1-2 through 10, the Commission has determined that Southern Bell should give the requested information to the Applicants upon obtaining the consent of the Kershaw County Detention Center. The Applicants should obtain the consent of the Kershaw County Detention Center before Southern Bell is required to give the requested information.

As to Southern Bell's Motion to Compel, the Applicants filed opposition to said Motion and ask that the Motion be denied in light of the patent irrelevance to any issue in the proceeding of certain of the requests and the Applicants' willingness to provide supplementary responses to certain of the other interrogatories based on the clarification of their scope as set forth in the Motion.

Specifically, Southern Bell seeks responses to Interrogatory Nos. 1-10, 1-47, 1-21, 1-22, 1-24, and 1-32. As to Interrogatories 1-10 and 1-47, the Commission has determined that based upon the Motion to Compel of Southern Bell and the Opposition to the Motion filed by the Applicants, that such information as requested is available and should be provided by the Applicants subject to an appropriate proprietary agreement as

offered by Southern Bell.

As to Interrogatory 1-21, the Commission has determined that this, too, should be provided subject to an appropriate proprietary agreement. Similarly, the response to Interrogatory 1-32 should be provided by Applicants to Southern Bell under the same appropriate proprietary agreement.

Southern Bell additionally seeks responses to Interrogatories 1-22, 1-23 and 1-24. As to Interrogatory Nos. 1-22 and 1-23, the Commission is of the opinion that the Applicants should answer these interrogatories to the best of their ability as set forth by Southern Bell. The Commission is of the opinion that both parties should deal with each other in good faith in responding to any of these interrogatories.

As to Interrogatory No. 1-24, the Commission has determined that the Applicants should provide the requested information as to the screening functions of the telephone system in place in confinement institutions.

In ruling on the Motions to Compel and in consideration of the opposition to both Motions filed by the parties herein, the Commission is of the opinion that the responses to the

interrogatories should be served and filed no later than December 5, 1990, in light of the December 12, 1990 hearing date.

IT IS SO ORDERED.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Executive Director

(SEAL)